APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,866	08/18/2000	Charles E. Bernasconi	P/3639-21	7547

7590   06/18/2003

GRAYBEAL, JACKSON, HALEY, LLP
155 108TH AVENUE N.E.
SUITE 350
BELLEVUE, WA 98004

EXAMINER
BLECK, CAROLYN M

ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 April 2003* .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *17-59* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *17-59* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____ .

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

   a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) ☐ Other: .

DETAILED ACTION

Notice to Applicant

1.   This communication is in response to the amendment filed 18 April 2003. Claims

17-59 are pending. Claims 17-59 are newly added. Claims 1-16 have been cancelled.

Specification

2.   The amendment filed 18 April 2003 is objected to under 35 U.S.C. 132 because it

introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment

shall introduce new matter into the disclosure of the invention. The added material

which is not supported by the original disclosure is as follows:

The newly added recitations of "determining an open position requiring at least

one qualification, sorting the employees in the database into those having the

qualification and those not having the qualification, and simultaneously notifying those

employees in the database having the qualification" within claims 17, and similar newly

recitations within claims 26, 37, 44, and 58 appear to constitute new matter.

Furthermore, the newly added recitations of "a real time method for receiving vacant

position reports and notifying an employee in an employee databse without delay,

comprising: having an employee database with records of employees containing

qualifications of the employees, having a position database with information about a

plurality of positions and qualifications for the positions, providing a computer network

interface to the position database that allows a vacant position to be posted in real time,

without substantial delay, using a computer with a connection to the network, and in response to receiving a vacant position posted at the interface, without substantial delay, finding a record of a least one employee in the database having qualifications that meet the qualifications of the vacant position and directing a notification to an address in the record of the at least one employee" within claim 51 appears to constitute new matter. In addition, the newly added recitations of "receiving a notification indicating acceptance of an open position by an employee, and simultaneously notifying each employee having a corresponding qualification in the database that matches the qualification required by the open position that the position has been filled" within claim 25 appears to constitute new matter.

Applicant does not point to, nor was the Examiner able to find any support for the newly added limitations in claims 17, 25-26, 37, 44, 51, and 58, and the newly added dependent claims 18-25, 27-36, 38-43, 45-50, 52-57, and 59 within the specification as originally filed. As such, Applicant is respectfully requested to clarify the above issues and to specifically point out support for the newly added limitations in the originally filed specification and claims.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claim 59 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

(A) As per claim 59, line 1, "the system of claim 51" lacks proper antecedent basis as

the preamble of claim 59 refers to a system and the preamble of claim 51 refers to "a

method". For purposes of applying prior art, claim 51 is assumed to be dependent on

claim 58.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

NOTE: The following rejections assume that the subject matter added in 18 April

2003 amendment are NOT new matter, and are provided hereinbelow for Applicant's

consideration, on the condition that Applicant properly traverses the new matter

objections and rejections made in preceding sections above in the next communication

sent in response to the present Office Action.

6.   Claims 17-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Thompson et al. (6,334,133) in view of Mitsuoka et al. (6,446,914).

(A) As per claim 17, Thompson discloses a method for performing substitute fulfillment, including identifying acceptable substitute workers and confirming assignments of substitute workers in an organization (col. 1 lines 5-15), comprising:

(a) providing a central database coupled to a central server, the central database including worker records that store substitute fulfillment data associated with each of a plurality of different organizations, wherein for each of the different organizations the fulfillment data includes worker records that may be absent from the organization and substitute worker records representing substitute workers that may be used to fill the position of absent workers, wherein each worker record includes worker identification, contact, position, qualification, and substitute selection information, and wherein each substitute worker record includes substitute worker identification, contact, qualification, and availability information (Fig. 3-11, col. 11 lines 22-30, col. 12 lines 18-28);

(b) providing information representing absent workers to the central server, wherein the central server automatically identifies potential replacements or substitute workers for the absent worker (reads on "determining an open position...") (col. 9 lines 42-58);

(c) compiling a list by searching for potential replacements with the requisite qualifications or criteria for selecting an acceptable replacement for a particular worker identified by an organization, wherein a master list of replacements in the database is

searched based on the qualifications or criteria and the list is then compiled (reads on

"sorting the employees...") (col. 9 lines 42-58, col. 11 line 53 to col. 12 line 13); and

(d) automatically communicating information representing positions to be filled to

substitute workers identified by the central server with the requisite qualifications via a

telephone communication link or an internet communication link (col. 4 lines 54-65, col.

9 line 42 to col. 10 line 7, col. 11 line 53 to col. 12 line 13, col. 12 lines 1-13).

Thompson is entirely silent as to *"simultaneously notifying"* employees in the

database having qualifications. Mitsuoka discloses forwarding a job offer notification to

all contractors based on whether the contractors' schedule is free, sending out a job

offer notification only to contractors who have at least a certain aptitude value

necessary for the job, and transmitting a job offer notification to contractors based on

the level of difficulty and importance of the job to the appropriate contractors (col. 10

line 1 to col. 12 line 53).

At the time the invention was made, it would have been obvious to one of

ordinary skill in the art to include the components of Mitsuoka within the method of

Thompson with the motivation of reducing the time, effort, and resources devoted to

substitute fulfillment and maximizing substitute fulfillment by reaching potential

substitutes through multiple communications channels (Thompson; col. 2 lines 1-8, col.

5 lines 1-12) and reducing the level of complication required for negotiating jobs

between job providers and multiple contractors (Mitsuoka; col. 2 lines 18-46).

(B) As per claim 18, Thompson discloses distributing absence notifications (reads on

"more than one open position") to relevant substitute workers based on qualifications

(Fig. 2, col. 9 lines 23-60).

(C) As per claim 19, Thompson discloses the server using the information in the

database to generate a listing of opportunities for replacement workers and to make the

listing available through a web site interface, wherein replacement workers may access

the site through the Internet and select an assignment (col. 10 lines 30-43 and col. 12

lines 33-37). Further, Thompson discloses worker and substitute worker records storing

personal identification number (PIN) information, wherein a worker is able to access a

secure website to enter absence information (col. 8 lines 15-63 and col. 9 lines 1-23).

Although, Thompson does not expressly disclose a logon code, it is respectfully

submitted that the disclosure of a PIN and a secure web site by Thompson would

include a log on code to access any information, and the skilled artisan would have

found it an obvious modification to include a logon code within the method of Thompson

and Mitsuoka with the motivation of increasing the security of data stored in the

database and accessed by users (Thompson; col. 9 lines 9-15).

(D) As per claim 20, Mitsuoka discloses sending out job offer notifications via email to

stored email addresses for contractors who satisfy criteria such as the aptitude value

(col. 8 lines 46-63, col. 10 line 50 to col. 11 line 50). The motivation for combining

Mitsuoka within Thompson is given above in claim 17, and incorporated herein.

(E) As per claims 21-23, Thompson discloses notifying substitute workers via interactive voice response technology or an automated telephone attendant accessible through a communication link (col. 9 line 58 to col. 10 line 20, col. 12 lines 29-55). Mitsuoka discloses that the communication portion and notification portion for interacting with contractors are not limited to HTTP and e-mail (col. 7 line 65 to col. 8 line 10). Further, Mitsuoka discloses that there are many ways to realize such communication portions and such notification portions (col. 7 line 65 to col. 8 line 10). Although Thompson and Mitsuoka do not expressly disclose sending e-page notifications, it is respectfully submitted that e-paging is simply another form of well known communication, and the skilled artisan would have found e-paging an obvious modification within the method taught collectively by Thompson and Mitsuoka with the motivation of building reliability into the method by providing multiple communications channels (Thompson; col. 9 lines 39-42).

It is noted that as per the recitation of "textual message", Mitsuoka discloses job offer notifications via e-mail which is considered to be a form of "textual message"). As per the recitation of "at least two employees", see the discussion of Mitsuoka in claim 1 regarding notifying contractors.

(F) As per claim 24, Thompson and Mitsuoka are entirely silent as to charging a fee upon notifying the employee. It is respectfully submitted that charging a fee for using a system is a means typically employed by Internet web sites for generating revenue, and

the skilled artisan would have found charging a fee an obvious modification to the

method taught collectively by Thompson and Mitsuoka with the motivation of providing a

means for generating revenue for the organization maintaining the system.

(G) As per claim 25, Mitsuoka discloses receiving notification that a job has been

applied for.by a contractor, wherein a selection result notification is sent to the

contractor who applied for the job, wherein the notification is sent out directly after the

application by the contractor has been received, wherein other contractors that applied

for the same job are notified that they have not been selected (col. 9 lines 5-55). The

motivation for combining Mitsuoka within Thompson is given above in claim 17, and

incorporated herein.

(H) Claim 26 differs from claim 17 by reciting hardware elements, namely, a database

of employees, a filtering system, and a notification system. As per these elements,

Thompson teaches:

    (a) providing a central database coupled to a central server, the central

database including worker records that store substitute fulfillment data associated with

each of a plurality of different organizations, wherein for each of the different

organizations the fulfillment data includes worker records that may be absent from the

organization and substitute worker records representing substitute workers that may be

used to fill the position of absent workers, wherein each worker record includes worker

identification, contact, position, qualification, and substitute selection information, and

wherein each substitute worker record includes substitute worker identification, contact,

qualification, and availability information (Fig. 3-11, col. 11 lines 22-30, col. 12 lines 18-

28);

(b) a substitute fulfillment system for selecting an acceptable replacement

worker for a particular worker by searching for potential replacements with the requisite

qualifications or criteria in a master list of replacements available to the organization

located in the database and then compiling a list of acceptable replacements (reads on

"a filtering system") (col. 9 lines 42-58); and

(c) wherein the central server automatically communicates information

representing positions to be filled to substitute workers identified with the requisite

qualifications via a telephone communication link or an internet communication link (col.

4 lines 54-65, col. 9 line 42 to col. 10 line 7, col. 11 line 53 to col. 12 line 13, col. 12

lines 1-13).

Thompson fails to expressly disclose a notification system operable to

simultaneously notify each employee.

Mitsuoka discloses forwarding a job offer notification to all contractors based on

whether the contractors' schedule is free, sending out a job offer notification only to

contractors who have at least a certain aptitude value necessary for the job, and

transmitting a job offer notification to contractors based on the level of difficulty and

importance of the job to the appropriate contractors, wherein the communication and

notification portions of the job offer notification are performed using email and HTTP

and an information transmitter portion as disclosed in Figure 2 (reads on "a notification

system") (col. 6 line 23 to col. 7 line 56, col. 10 line 1 to col. 12 line 53).

At the time the invention was made, it would have been obvious to one of

ordinary skill in the art to include the components of Mitsuoka within the system of

Thompson with the motivation of reducing the time, effort, and resources devoted to

substitute fulfillment and maximizing substitute fulfillment by reaching potential

substitutes through multiple communications channels (Thompson; col. 2 lines 1-8, col.

5 lines 1-12) and reducing the level of complication required for negotiating jobs

between job providers and multiple contractors (Mitsuoka; col. 2 lines 18-46).

(I) Claims 27, 29, and 33-35 repeat the same limitations as claims 17-23 and 25, and

are therefore rejected for the same reasons given for those claims, and incorporated

herein.

(J) As per claim 28, Thompson discloses a plurality of local processors or computers

that are remote from the central server (Fig. 1, col. 6 lines 1-45, col. 11 lines 31-40).

(K) As per claim 30, Thompson discloses the server relaying instructions from the

organization or messages from the absent worker to the substitute at a remote

computer and interface, including summary substitute assignment reports and course

information (Fig. 12, col. 4 lines 65 to col. 5 line 4, col. 6 lines 1-45, col. 7 lines 19-54,

col. 8 lines 15-63, and col. 10 lines 8-20).

(L) As per claims 31-32, Thompson discloses the central server automatically generating a list of one or more substitute workers (reads on "temporary worker) for each absent worker in response to information representing absent workers, and wherein the worker can also be a teacher and the substitute worker is a substitute teacher (Fig. 12, col. 1 lines 44-60, col. 2 line 51 to col. 3 line 5, col. 6 lines 24-39, col. 8 lines 15 to col. 10 line 7 and col. 12 lines 1-13).

(M) As per claim 36, Thompson discloses the substitute fulfillment system compiling a list of preferred replacements and a back-up list of acceptable replacements, wherein the compiling step includes the organization identifying qualifications or criteria for selecting an acceptable replacement for a particular worker and then compiling the aforementioned lists by searching for potential replacements with the requisite qualifications in a master list of replacements, wherein the server then contacts the potential replacements (col. 9 lines 40-67).

(N) Claim 37 differs from claim 17 by reciting the steps of the database having a computer network contact address associated with each of the employees, determining a preferred employee from the database, and notifying the preferred employee by sending a computer generated message identifying the open position to the computer network contact address associated with the preferred employee. As per these steps, Thompson discloses:

(a) data records containing teachers and substitute information stored in the database, wherein the information includes electronic mail addresses (col. 8 lines 15-63); and

(b) compiling by the substitute fulfillment system a list of preferred replacements and a back-up list of acceptable replacements, wherein the compiling step includes the organization identifying qualifications or criteria for selecting an acceptable replacement for a particular worker and then compiling the aforementioned lists by searching for potential replacements with the requisite qualifications in a master list of replacements, wherein the server then contacts a potential replacement first using the preferred replacements list, and then when the preferred replacements list is exhausted using the back-up list (col. 9 line 40 to col. 10 line 7).

Thompson is silent as to the step of notifying the preferred employee by sending a computer generated message identifying the open position to the computer network contact address associated with the preferred employee.

Mitsuoka includes receiving notification that a job has been applied for by a contractor, wherein a selection result notification is sent to the contractor who applied for the job by email using the contractor's stored email address, wherein the notification is sent out directly after the application by the contractor has been received, wherein other contractors that applied for the same job are notified that they have not been selected (col. 8 lines 45-63, col. 9 lines 5-55).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the components of Mitsuoka within the method of

Thompson with the motivation of reducing the time, effort, and resources devoted to

substitute fulfillment and maximizing substitute fulfillment by reaching potential

substitutes through multiple communications channels (Thompson; col. 2 lines 1-8, col.

5 lines 1-12) and reducing the level of complication required for negotiating jobs

between job providers and multiple contractors (Mitsuoka; col. 2 lines 18-46).

The remainder of claim 37 repeats the same limitations as claim 17, and is

therefore rejected for the same reasons given above for claim 17, and incorporated

herein.

(O) Claims 38 and 41-42 repeat the same limitations as claims 17 and 26, and are

therefore rejected for the same reasons given above for those claims, and incorporated

herein.

(P) Claims 39 and 43 repeat the same limitations as claims 21 and 36, and are

therefore rejected for the same reasons given for those claims, and incorporated herein.

(Q) As per claim 40, Thompson discloses the server using the information in the

database to generate a listing of opportunities for replacement workers and to make the

listing available through a web site interface on remote computers, wherein replacement

workers may access the site through the Internet and select an assignment (Fig. 1, col.

10 lines 30-43, and col. 12 lines 33-37). Further, Thompson discloses worker and

substitute worker records storing personal identification number (PIN) information,

wherein a worker is able to access a secure website to enter absence information (col.

8 lines 15-63 and col. 9 lines 1-23). Although, Thompson does not expressly disclose a

logon code, it is respectfully submitted that the disclosure of a PIN and a secure web

site by Thompson would include a log on code to access any information, and the

skilled artisan would have found it an obvious modification to include a logon code

within the method of Thompson and Mitsuoka with the motivation of increasing the

security of data stored in the database and accessed by users (Thompson; col. 9 lines

9-15).

(R) System claims 44-50 repeat the subject matter of method claims 37-43,

respectively, as a set of apparatus elements rather than as a series of steps. As the

underlying processes of claims 37-43 have been shown to be fully disclosed by the

collective teachings of Thompson and Mitsuoka in the above rejections of claims 37-43,

it is readily apparent that the system disclosed collectively by Thompson and Mitsuoka

includes the apparatus to perform these functions. As such, these limitations are

rejected for the same reasons given above for method claims 37-43, and incorporated

herein. In addition, as per the system components of claims 44, see the rejections of

claim 26 above.

(S) As per claim 51, Thompson discloses a method for performing substitute fulfillment,

including identifying acceptable substitute workers and confirming assignments of

substitute workers in an organization (col. 1 lines 5-15), comprising:

(a) providing a central database coupled to a central server, the central

database including worker records that store substitute fulfillment data associated with

each of a plurality of different organizations, wherein for each of the different

organizations the fulfillment data includes worker records that may be absent from the

organization and substitute worker records representing substitute workers that may be

used to fill the position of absent workers, wherein each worker record includes worker

identification, contact, position, qualification, and substitute selection information, and

wherein each substitute worker record includes substitute worker identification, contact,

qualification, and availability information (reads on "employee database" and "position

database") (Fig. 3-11, col. 11 lines 22-30, col. 12 lines 18-28);

(b) providing through a home-based computer, a secure website for a worker to

contact the communications and processing server via the Internet, wherein the worker

provides information regarding his upcoming absence, wherein the worker is able to

update an applet and connect to the communications and processing server, which will

automatically process the update in the worker's absence, notify the substitute

fulfillment system, and trigger the substitute fulfillment system (col. 9 lines 1-25);

(c) wherein triggering the substitute fulfillment system, identifies potential

replacements for the absent worker by compiling by the substitute fulfillment system a

list of preferred replacements and a back-up list of acceptable replacements, wherein

the compiling step includes the organization identifying qualifications or criteria for

selecting an acceptable replacement for a particular worker and then compiling the

aforementioned lists by searching for potential replacements with the requisite

qualifications in a master list of replacements, wherein the server then contacts potential

replacements using the preferred replacements list, and then when the preferred

replacements list is exhausted using the back-up list (col. 9 line 40 to col. 10 line 7).

Thompson is silent as to the step of directing a notifications to an address in the

record of at least on employee.

Mitsuoka includes receiving notification that a job has been applied for by a

contractor, wherein a selection result notification is sent to the contractor who applied

for the job by email using the contractor's stored email address, wherein the notification

is sent out directly after the application by the contractor has been received, wherein

other contractors that applied for the same job are notified that they have not been

selected (col. 8 lines 45-63, col. 9 lines 5-55).

At the time the invention was made, it would have been obvious to one of

ordinary skill in the art to include the components of Mitsuoka within the method of

Thompson with the motivation of reducing the time, effort, and resources devoted to

substitute fulfillment and maximizing substitute fulfillment by reaching potential

substitutes through multiple communications channels (Thompson; col. 2 lines 1-8, col.

5 lines 1-12) and reducing the level of complication required for negotiating jobs

between job providers and multiple contractors (Mitsuoka; col. 2 lines 18-46).

The remainder of claim 51 repeats the same limitations as claim 37, and is

therefore rejected for the same reasons given for claim 37, and incorporated herein.

(T) Claims 52-57 repeat the same limitations as claims 17 and 19-22, and are therefore rejected for the same reasons given for those claims. As per the recitation of a "web browser" in claim 52, Thompson discloses making the listing available through a web site interface (Fig. 2, col. 9 lines 23-41, and col. 10 lines 32-42). It is respectfully submitted that a "web site interface" is typically viewed using a web browser, and the skilled artisan would have found including a web browser within the method of Thompson and Mitsuoka with the motivation of properly and easily viewing information of the Internet.

(U) System claim 58 differs from system claims 26 and 44 by reciting an update system operable to update the information about the positions in real time in response to a change message received from a computer on the network. As per this element, Thompson discloses providing through a home-based computer, a secure website for a worker to contact the communications and processing server via the Internet, wherein the worker provides information regarding his upcoming absence, wherein the worker is able to update an applet and connect to the communications and processing server, which will automatically process the update in the worker's absence, notify the substitute fulfillment system, and trigger the substitute fulfillment system (col. 9 lines 1-25) (reads on "update system").

The remainder of claim 58 repeats the same limitations as claims 17, 26, and 44, and is therefore rejected for the same reasons given for those claims, and incorporated herein.

(V) As per claim 59, Thompson discloses accessing a secure worker web-site to

provide updates (col. 9 lines 1-23). Furthermore, Thompson discloses worker and

substitute worker records storing personal identification number (PIN) information (col. 8

lines 15-63 and col. 9 lines 1-23). Although, Thompson does not expressly disclose a

password protection, it is respectfully submitted that the disclosure of a PIN and a

secure web site by Thompson would include password protection of the network, and

the skilled artisan would have found it an obvious modification to include a logon code

within the method of Thompson and Mitsuoka with the motivation of increasing the

security of data stored in the database and accessed by users (Thompson; col. 9 lines

9-15).

Response to Arguments

7.　　Applicant's arguments with respect to claims 17-59 have been considered but are

moot in view of the new ground(s) of rejection.

8.　　Applicant's arguments filed 18 April 2003 have been fully considered but they are

not persuasive. Applicant's arguments will be addressed hereinbelow in the order in

which they appear in the response filed 18 April 2003.

(A) Applicant's arguments on page 9 of the April 18 2003 response fail to comply with

37 CFR 1.111(b) because they amount to a general allegation that the claims define a

patentable invention without specifically pointing out how the language of the claims

patentably distinguishes them from the references.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to the

Applicant's disclosure. The cited but not applied prior art teaches an automated method

for selecting personnel matched to job criteria (5,164,897), a method and system for

facilitating an employment search incorporating user-controlled anonymous

communications (5,884,270), a system and method for the management of candidate

recruiting information (6,385,620), and a system and method for performing skill set

assessment (6,524,109).

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn Bleck whose telephone number is (703) 305-3981. The Examiner can normally be reached on Monday-Thursday, 8:00am – 5:30pm, and from 8:30am – 5:00pm on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached at (703) 305-9588.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 306-1113.

12.   **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 305-7687   [Official communications; including After Final communications labeled "Box AF"]

(703) 746-8374   [Informal/ Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th Floor (Receptionist).

CB
June 13, 2003

JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600